

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

AIR FORCE OFFICER, AIR FORCE NCO,
AIR FORCE SPECIAL AGENT, and AIR
FORCE ENGINEER,

Plaintiffs,

v.

Case No. 5:22-cv-00009-TES

LLOYD J. AUSTIN, III, in his official capacity
as Secretary of Defense; FRANK KENDALL,
III, in his official capacity as Secretary of the Air
Force; and ROBERT I. MILLER, in his official
capacity as Surgeon General of the Air Force,

Defendants.

DEFENDANTS' MOTION FOR LEAVE TO FILE CORRECTED BRIEF

Defendants hereby move the Court to grant leave for Defendants to file a corrected reply brief in support of Defendants' motion to dismiss. Defendants filed their reply brief in support of Defendants' motion to dismiss on June 15, 2022. Dkt. 107. After filing, Defendants caught a minor factual error. Specifically, Defendants seek leave to correct the following:

Regardless, as in *Hargay*, at least Air Force ~~Officer~~ **NCO** had even more "advance notice" that he would be given the choice of retiring or facing discipline should he continue to refuse vaccination if his religious accommodation request was denied. *Hargay*, 57 F.3d at 1569. The Air Force's policy regarding COVID-19 vaccination was made public on December 7, 2021. *See* Supplemental Coronavirus Disease 2019 Vaccination Policy (Dec. 7, 2021), <https://perma.cc/T4ZQ-3N5G>. Air Force NCO received his on January 7, 2022, *id.* ¶ 134, 138, and thus had ~~34~~ **36** days to consider his decision.

Dkt. 107 at 9–10 n.9. The corrected brief will contain only the above alterations.

Before filing this motion, counsel for Defendants conferred with counsel for Plaintiffs, who reported that Plaintiffs do not object to the requested relief.

For these reasons, Defendants respectfully request that the Court grant leave to file a corrected reply brief in support of Defendants' motion to dismiss.

Dated: June 16, 2022

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